

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 31, 2000

DIVISION ONE

B132332 Harbor Gate Homeowners Association (Not for Publication)
v.
Harborgate et al.

We affirm the judgment. The defendants are entitled to their costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Aragon, J. (Assigned)

B133106 Assoc. for Los Angeles Deputy Sheriffs (Not for Publication)
v.
County of Los Angeles et al.

The judgment is affirmed.

Aragon, J. (Assigned)

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed. The clerk of the court is ordered to prepare a corrected abstract of judgment reflecting the court's oral pronouncement as to the laboratory analysis fee. The clerk thereafter is ordered to transmit copies of the corrected abstract of judgment to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B143304 Kim Phuoc Jewelry, Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Those Certain "Names" at Lloyd's, London, etc., et al., r.p.i.)

The Court:

2000, THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate and set aside its orders of July 24 and July 27, and to issue a new and different order reassigning Los Angeles Superior Court case No. BC233337, entitled Kim Phuoc Jewelry, Inc. v. Those Certain “Names” at Lloyd’s, London, etc., et al., to a judge other than Hon. Marlene Kristovich. All parties shall bear their own costs.

Spencer, P.J., Ortega, J., Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B134892 First Franklin Financial Corporation (Not for Publication)
 v.
 Howard Bradford Schlain et al.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B130988 Shin (Not for Publication)
 v.
 Space-Time Enterprises

The judgment is reversed, and the cause is remanded to the trial court with directions to vacate the summary judgment and to enter new orders (1) granting Enterprises' alternative motion for summary adjudication of issues as to Shin's first, second, third, ninth and tenth causes of action, (2) denying Enterprises' motion for summary adjudication of the eleventh cause of action, and (3) setting the remaining claim back on track for trial. Enterprises is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

B123401 Gonzales (Not for Publication)
 v.
 Farmers Insurance Exchange et al.

The judgment is reversed and the cause is remanded to the trial court with directions to enter a new judgment in favor of Farmers. Farmers is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION ONE (Continued)

B130857 Century West Financial Corporation (Not for Publication)
 v.
 Howard M. Ehrenberg

The appeal is dismissed. Respondent (s) is entitled to its costs.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

B140025 People (Not for Publication)
 v.
 Spinks

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B136515 People (Not for Publication)
 v.
 Hixson

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

August 31, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

[illegible]

The judgment of conviction is affirmed. The trial court's finding that defendant suffered a prior serious felony conviction within the meaning of Penal Code 667, subdivisions (a) and (b) -(i), and 1170.12 is reversed. The case is remanded for retrial on the prior conviction allegation.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B139922 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B137730 People (Not for Publication)
v.
Reyes

The judgment (order granting probation) is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B138448 People (Not for Publication)
v.
Cruz

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B140709 State of California et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Bolduc et al., r.p.i.)

The petition is granted, and a writ of mandate shall issue to compel the trial court (1) to vacate its order overruling the State's demurrer, (2) to enter a new order sustaining the demurrer without leave to amend, and (3) to enter a final declaratory judgment in favor of the State. The State is awarded its costs incurred in these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B120863 Comeau (Not for Publication)
v.
University of Southern California Medical School

With respect to the first, second and third causes of action, for breach of contract, breach of the covenant of good faith and fair dealing and wrongful termination, respectively, the trial court's order granting Comeau a new trial is reversed and the judgment is affirmed. With respect to the fourth and tenth causes of action, for libel and negligent infliction of emotional distress, respectively, the order granting Comeau's and defendants' motions for a new trial is reversed as is the trial court's order denying defendants' motion for JNOV. The trial court is therefore ordered to enter judgment notwithstanding the verdict, as to the defendants against whom an adverse verdict was rendered on the fourth and tenth causes of action, and that as to those defendants Comeau is to take nothing. As to the defendants in the fourth and tenth causes of action who obtained a verdict against Comeau, the judgment is affirmed. With respect to the ninth cause of action, for intentional infliction of emotional distress, the trial court's order granting Comeau a new trial is reversed and the judgment is affirmed. With regard to the fifth, sixth and seventh causes of action, for discrimination based on disparate treatment, harassment and retaliation, respectively, the trial court's order granting Comeau's request for a new trial is reversed and the judgment of nonsuit is affirmed. Defendants' protective cross-appeal is dismissed, and defendants are awarded their costs on appeal.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

[illegible]

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Todd, J.

DIVISION TWO (Continued)

B131694 The Secret, Inc., et al. (Not for Publication)
 v.
 Sigel

The trial court order denying the petition is ordered vacated, and the trial court's order sustaining the demurrer pending the trial court's consideration of a petition under section 1714.10 is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Costs to appellants.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B130582 Martin (Not for Publication)
 v.
 Levi

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

DIVISION THREE

B137814 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Robert B.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

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The judgment is reversed and the matter is remanded to the trial court to enable it to make the sentencing determinations discussed in this opinion, including whether sentences on counts II, III and V, must or should be consecutive, the appropriate sentences on the three section 12022, subdivision (a)(1) true findings, and to state for the record its reason for each such determination. In all other respects, the judgment is affirmed.

Goodman, J. (Assigned)

We concur: Klein, P.J.
Croskey, J.

B136899 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Martha N.

The judgment is reversed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B131358 People (Not for Publication)
v.
Orozco

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

August 31, 2000-Continued

DIVISION THREE (Continued)

B134543 People (Not for Publication)
v.
Rose

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B133250 Danny L. Bern (Not for Publication)
v.
Air Dry Corporation of America et al.

The order of dismissal entered on May 24, 1999, is reversed and the matter is remanded to the trial court of further proceedings not inconsistent with the views expressed herein. Plaintiff is awarded his costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B134845 Ofelia Rubio (Not for Publication)
v.
Society of Hispanic Professional Engineers, Greater Los Angeles Charter

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B131378 Stephen Mitchell et al. (Not for Publication)
 v.
 Church of Spiritual Technology

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B130984 People (Not for Publication)
 v.
 Brian Edwards

The judgment is affirmed.

Grignon, Acting P.J.

I concur: Godoy Perez, J.
I dissent: Armstrong, J. (Opinion)

DIVISION SIX

B131396 McClure
 v.
 Crawford

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)